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10 *Suzuki Enterprises, Inc. Profit Sharing Plan*

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20 *Suzuki Enterprises, Inc. Profit Sharing Plan*

21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF NEVADA**

23 SHIGE TAKIGUCHI, et. al,  
24 Individually and On Behalf of All  
25 Others Similarity Situated,

26 Plaintiffs,

27 v.

28 MRI INTERNATIONAL, INC.,  
EDWIN J. FUJINAGA, JUNZO  
SUZUKI, PAUL MUSASHI  
SUZUKI, LVT, INC., dba STERLING  
ESCROW, and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-VCF

**STIPULATION AND ORDER RE  
PAYMENT OF ATTORNEYS  
FEES AND COSTS INCURRED  
BY SUZUKI ENTERPRISES,  
INC., PROFIT SHARING PLAN  
DURING NOVEMBER 2016**

1        WHEREAS Defendant Suzuki Enterprises, Inc. Profit Sharing Plan (the  
2        "Plan") and Plaintiffs are collectively referred to herein as the "Parties";

3        WHEREAS on December 2, 2014, the Court issued its order [550] ("Order  
4        re Fees") approving the Stipulation and Order re Payment of Attorneys' Fees [549]  
5        ("Stipulation re Fees") incurred by the Plan from Plan funds presently subject to  
6        the preliminary injunction [183] issued by this Court;

7        WHEREAS the Order re Fees expressly provides for payment of fees  
8        incurred by the Plan via stipulation;

9        WHEREAS, the Plan incurred legal fees for the month of November 2016 in  
10      the amount of \$14,263.50, payable to Foundation Law Group, LLP, counsel for the  
11      Plan, who is fronting legal fees to local counsel and ERISA counsel;

12      WHEREAS, the Plan's redacted invoices are attached hereto as Exhibit "A";

13      WHEREAS the Parties have communicated a mutual desire to avoid the  
14      necessity of a formal motion for attorneys' fees for payment of the fees incurred by  
15      the Plan for the month of November 2016;

16      NOW, therefore, the Parties stipulate that:

- 17      1. Payment of the Plan's legal fees and expenses for the month of  
18        November 2016, in the total amount of \$14,263.50, shall be made from  
19        the funds held by LPL Financial for the benefit of the Plan;
- 20      2. \$14,263.50 of the funds held by LPL Financial for the benefit of the Plan  
21        shall be unfrozen and released from the preliminary injunction [183] and  
22        paid to Foundation Law Group LLP;
- 23      3. The remaining funds held by LPL Financial for the benefit of the Plan  
24        shall remain frozen and subject to the preliminary injunction [183]  
25        pending a further application for payment of attorneys fees and expenses;
- 26      4. Payment of attorneys fees and expenses for the month of November 2016  
27        (per item 2 above) shall be made from cash on hand, to the extent  
28        available and capable of satisfying such fees and expenses. If assets,  
      such as mutual funds, need to be liquidated in order to satisfy such fees

1 and expenses, then LPL Financial shall exercise its discretion on  
2 liquidating assets and shall communicate its intent to counsel for the Plan  
3 and for Plaintiffs.

4 Respectfully submitted,

5 DATED this 9th day of December 2016

6 DATED this 9th day of December 2016

7 **MANNING & KASS ELLROD**  
8 **RAMIREZ, TRESTER LLP**

9 **ENENSTEIN RIBAKOFF LAVIÑA**  
10 **& PHAM**

11 By: /s/ James E. Gibbons

12 James E. Gibbons  
*Attorneys for Plaintiffs*

13 By: /s/ Robert A. Rabbat

14 Robert A. Rabbat  
*Attorneys for Defendant*  
*Suzuki Enterprises, Inc., Profit*  
*Sharing Plan*

15 DATED this 9th day of December 2016

16 DATED this 9th day of December 2016

17 **LAW OFFICES OF ROBERT W.**  
18 **COHEN, A.P.C.**

19 **FOUNDATION LAW GROUP LLP**

20 By: : /s/ Robert W. Cohen

21 Robert W. Cohen  
*Attorneys for Plaintiffs*

22 By: /s/ Gregg Zucker

23 Gregg Zucker  
*Attorneys for Defendant*  
*Suzuki Enterprises, Inc., Profit*  
*Sharing Plan*

24 **ORDER**

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED this 12th day of December, 2016.



27 Cam Ferenbach  
28 United States Magistrate Judge

1                   **CERTIFICATE OF SERVICE**

2                   Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 9<sup>th</sup> day of  
3 December, 2016, I served a true and correct copy of the foregoing  
4 **STIPULATION AND ORDER RE PAYMENT OF ATTORNEYS FEES**  
5 **AND COSTS INCURRED BY SUZUKI ENTERPRISES, INC., PROFIT**  
6 **SHARING PLAN DURING NOVEMBER 2016** via mandatory electronic  
7 service via Pacer. Parties may access this filing through the Court's CM/ECF.

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9                   \_\_\_\_\_  
10                  /s/ Michelle Choto  
11                  \_\_\_\_\_  
12                  Michelle Choto

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## **Exhibit A – Plan’s Redacted Invoices**



# INVOICE

Invoice # 1204  
Date: 12/01/2016

Suzuki Enterprises, Inc. Profit Sharing Plan

## **1043-00001-Suzuki Enterprises, Inc. Profit Sharing Plan/Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.**

### **Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.**

#### **Services**

Type	Date	Attorney	Description	Quantity	Rate	Total
Service	11/18/2016	Gregg Zucker	Review complaint; strategize regarding potential defenses, default, settlement, local counsel and service issues; review prior applications for attys fees, asset freeze issues and preliminary injunction; research regarding default issues; correspondence to prospective local counsel regarding retention.	2.40	\$595.00	\$1,428.00
Service	11/20/2016	Gregg Zucker	Strategize regarding settlement, mediators and default issues; review court docket regarding asset freeze order; correspondence to opposing counsel regarding same; correspondence to Judge Lichtman regarding same.	0.60	\$595.00	\$357.00
Service	11/21/2016	Caroline Magbojos	Set up Suzuki as new client in our system, correspondence with Gregg and Ms. Taenako re: documents and download documents from Dropbox	0.70	\$150.00	\$105.00
Service	11/21/2016	Gregg Zucker	Telephone conference with opposing counsel regarding settlement, service and default issues; strategize regarding same; review correspondence and service attachments from opposing counsel; research regarding service issues; telephone conference with Mr. Morgan regarding settlement discussions; correspondence to	4.30	\$595.00	\$2,558.50

Invoice # 1204 - 12/01/2016

			client regarding same and service issues.			
Service	11/22/2016	Caroline Magbojos	Compile reports for Gregg re: Profit Sharing Plan and Trust Agreement; correspondence with Gregg and Ms. Sesser re: documents	0.90	\$150.00	\$135.00
Service	11/22/2016	Gregg Zucker	Telephone conference with and correspondence to/from opposing counsel regarding service and stipulations; correspondence to opposing counsel regarding same; review and prepare correspondence from/to opposing counsel regarding response to complaint and proposed stipulations; prepare stipulations to set aside default and authorize payment of fees out of plan funds; review documents regarding same; strategize regarding settlement issues; correspondence to client regarding engagement of local counsel; telephone conference with ERISA counsel ██████████ ██████████; meet with local counsel to discuss strategy.	4.70	\$595.00	\$2,796.50
Service	11/23/2016	Caroline Magbojos	Compile Profit Sharing Plan files for Mr. Bartlett and send to him	0.10	\$150.00	\$15.00
Service	11/23/2016	Gregg Zucker	Review correspondence from plaintiff's counsel regarding revised stipulation; further revision to stipulation; research regarding Initial Disclosure timing; correspondence to plaintiff's counsel regarding same; strategize regarding same; review memorandum regarding ██████████ ██████████; correspondence to client regarding same; review correspondence from plaintiff's counsel regarding tracing issues; strategize regarding same and settlement.	2.40	\$595.00	\$1,428.00
Service	11/28/2016	Gregg Zucker	Telephone conference with plaintiffs' counsel regarding Initial Disclosures; revise stipulation; correspondence regarding same; strategize regarding potential for settlement, demand, and mediation; strategize regarding content of Initial Disclosures and discovery needed if no settlement; correspondence regarding insurance and existence of any arbitration provisions; prepare and review	2.90	\$595.00	\$1,725.50

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numerous correspondence regarding insurance issues; telephone conference with SEI insurance agent regarding same; strategize regarding [REDACTED] [REDACTED]; prepare and review correspondence regarding same; research regarding same; prepare correspondence regarding payment of premiums, insurance policies and efforts to obtain same.

Service	11/29/2016	Gregg Zucker	Review court order on default set aside; correspondence regarding attys fees stipulation; strategize regarding settlement posture; correspondence to/from opposing counsel regarding meeting; coordinate same; review numerous correspondence regarding potential insurance; strategize regarding constructive trust and fraudulent transfer claims.	1.30	\$595.00	\$773.50
Service	11/30/2016	Gregg Zucker	Strategize regarding documentation and information required for Initial Disclosures; review and prepare correspondence regarding same.	0.60	\$595.00	\$357.00

**Services Subtotal** **\$11,679.00**

### Expenses

Type	Date	Description	Quantity	Rate	Total
Expense	11/28/2016	INV. 51345 Brucker & Morra Research and Telephone Conference	1.00	\$485.00	\$485.00
<b>Expenses Subtotal</b>					<b>\$485.00</b>
<b>Subtotal</b>					<b>\$12,164.00</b>
<b>Total</b>					<b>\$12,164.00</b>

### Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
( \$0.00 )	+ \$12,164.00	) - ( \$0.00 ) =	<b>\$12,164.00</b>

**Detailed Statement of Account****Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1204	12/01/2016	\$12,164.00	\$0.00	\$12,164.00
			<b>Outstanding Balance</b>	<b>\$12,164.00</b>
			<b>Total Amount Outstanding</b>	<b>\$12,164.00</b>

Payment is due upon receipt unless otherwise agreed in writing.

## Remittance Advice

### Checking Information

**Remit checks to:** Foundation Law Group LLP  
445 S. Figueroa Street, Suite 3100  
Los Angeles, CA 90071

### Wire Transfer Information

**Bank Name/Address:** Chase Bank  
749 Foothill Blvd.  
La Canada, CA 91011

**Bank ABA/Routing #:** 322271627

**Name/Account #:** Foundation Law Group LLP  
Account Number- 525388950

**SWIFT:** CHASUS33

Please include the invoice number 1204 as an additional reference so we may accurately identify and apply your payment.

Please provide adequate payment to cover the wire fees assessed by your financial institution.

**Enenstein Ribakoff LaViña & Pham**

3960 Howard Hughes Pkwy, Suite 280  
 Las Vegas, NV 89169  
 Telephone: (702) 468-0808  
 Fax: (702) 920-8228

Suzuki Enterprises, Inc. Profit Sharing Plan

December 02, 2016  
 Invoice No. 20297

Client: Suzuki Enterprises, Inc. Profit Sharing Plan

Matter ID: NV 400012.001 Suzuki adv. Takiguchi

**For Services Rendered Through 11/30/2016****Fees**

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/22/2016	RAR	REVIEW COMPLAINT AND ADDRESS UPCOMING ACTION ITEMS	0.50	\$247.50
11/22/2016	RAR	REVIEW PROPOSED STIPULATIONS RE ATTORNEYS FEES AND SET ASIDE OF DEFAULT	0.20	\$99.00
11/23/2016	MC	PREPARATION OF VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY BY ATTORNEY NOT ADMITTED TO THE BAR OF THIS COURT AND DESIGNATION OF LOCAL COUNSEL	0.50	\$70.00
11/23/2016	RAR	DRAFT STIPULATION AND ORDER RE PAYMENT OF ATTORNEYS FEES	0.50	\$247.50
11/23/2016	RAR	DRAFT STIPULATION AND ORDER RE SET ASIDE OF DEFAULT	0.50	\$247.50
11/23/2016	RAR	ADDRESS PRO HAC VICE APPLICATION FOR ZUCKER	0.20	\$99.00
11/23/2016	RAR	REVIEW EMAIL FROM COUNSEL FOR PLAINTIFF RE STIPULATION TO SET ASIDE DEFAULT AND HIS REVISIONS TO THE PROPOSED STIPULATION	0.10	\$49.50
11/23/2016	RAR	EMAIL COUNSEL FOR PLAINTIFFS RE STIPULATIONS TO SET ASIDE DEFAULT AND FOR PAYMENT OF ATTORNEYS' FEES	0.10	\$49.50
11/28/2016	RAR	REVIEW LOCAL RULES RE JURY DEMAND AND EMAIL CO-COUNSEL RE SAME	0.30	\$148.50
11/28/2016	RAR	STRATEGIZE RE STIPULATION RE SET ASIDE, DISCOVERY PENDING RESPONSE, AND OTHER ITEMS	0.50	\$247.50
11/28/2016	RAR	FINALIZE AND FILE STIPULATION TO SET ASIDE DEFAULT	0.20	\$99.00
11/28/2016	RAR	ADDRESS PRO HAC VICE APPLICATION OF ZUCKER	0.20	\$99.00
11/28/2016	RAR	REVIEW EMAIL FROM COUNSEL FOR PLAINTIFF DISCOVERY DISCLOSURES	0.10	\$49.50
11/29/2016	RAR	FINALIZE AND FILE STIPULATION RE PAYMENT OF ATTORNEYS FEES	0.20	\$99.00
11/30/2016	RAR	STRATEGIZE RE INITIAL DISCLOSURES, [REDACTED] RESPONSIVE PLEADING), AND OTHER ITEMS	0.50	\$247.50
<b>Billable Hours / Fees:</b>				<b>4.60</b>
<b>Amount:</b>				<b>\$2,099.50</b>

**Timekeeper Summary**

Timekeeper MC worked 0.50 hours at \$140.00 per hour, total \$70.00.

Matter ID: NV 400012.001

12/2/2016  
Page: 2

Timekeeper RAR worked 4.10 hours at \$495.00 per hour, total \$2,029.50.

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<b>Prior Balance:</b>	\$0.00	
<b>Payments Received:</b>	(\$0.00)	<b>Last Payment:</b>
<b>Current Fees:</b>	\$2,099.50	
<b>Advanced Costs:</b>	\$0.00	
<b>Administrative Cost/Late Charges:</b>	\$0.00	
<b>Amount to be Applied from Trust:</b>	(\$0.00)	
<b>TOTAL AMOUNT DUE:</b>	<hr/> <b>\$2,099.50</b>	

Thank You For Your Business